

REMARKS

I. INTRODUCTION

Claims 1, 3-7, 11-19, 21, 22, and 24-28 are pending in this present application and stand rejected in the present application. In the July 29, 2010 Final Office Action, the Examiner:

1. Objected to claims 25 and 26 because of certain informalities;
2. Rejected claims 1, 3, 5-7, 11-15, 17-19, 21, 22, 24, and 26-28 under 35 U.S.C. § 102(b) as being anticipated by *Roozen et al.* (U.S. Patent No. 5,892,183); and
3. Rejected claims 1, 3-7, 12, 14-16, 18, 19, 24, 25, 27, and 28 under 35 U.S.C. § 102(b) as being anticipated by *Welch et al.* (U.S. Patent No. 4,206,831).

Applicant has amended independent claims 1, 7, 12, 13 and 14 as described in section III below. As to the rejections under 35 U.S.C. §102(b), Applicant respectfully traverses.

II. OBJECTIONS TO CLAIMS 25 AND 26

Claims 25 and 26 have been objected to because of certain informalities, specifically, incorrect claim dependency. These objections also appeared in the non-final Office action mailed November 24, 2009, and claims 25 and 26 were amended in the Amendments filed April 7, 2010. Applicant therefore respectfully requests withdrawal of the objections to claims 25 and 26 as being moot.

III. AMENDMENTS TO CLAIMS 1, 7, 12, 13, and 14

Independent claims 1, 7, 12, 13 and 14 have been amended to clarify that the waveguide of the present invention is designed for use with a transducer mounted to the mouth of the horn, and thus, the waveguide is not a port (as taught by *Roozen*). Further, Applicant has amended the claims such that all claims require at least one control curve to be different than at least one other control curve. No new matter has been introduced by these Amendments.

IV. REJECTION OF CLAIMS 1, 3, 5-7, 11-15, 17-19, 21, 22, 24, AND 26-28 UNDER 35 U.S.C. § 102(b)

Claims 1, 3, 5-7, 11-15, 17-19, 21, 22, 24, and 26-28 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Roozen et al.* (U.S. Patent No. 5,892,183). Applicant respectfully submits that the reference, *Roozen et al.*, fails to teach or suggest each and every feature or element recited in independent claims 1, 7, 12, 13 and 14 as amended. All the claims require that the mouth of the waveguide be designed to couple with a transducer. *Roozen* teaches a port, which does not direct the sound of a transducer coupled to the mouth end of the waveguide. Further, *Roozen* fails to teach one of control curves differing from at least one of the other control curves.

In summary, Applicant respectfully submits that *Roozen et al.* does not disclose or teach the claimed invention as specified in claim 1, 7, 12, 13 and 14 of any claim depending therefrom. Accordingly, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 1, 3, 5-7, 11-15, 17-19, 21, 22, 24, and 26-28.

V. REJECTION OF CLAIMS 1, 3-7, 12, 14-16, 18, 19, 24, 25, 27, AND 28 UNDER 35 U.S.C. § 102(b)

Claims 1, 3-7, 12, 14-16, 18, 19, 21, 24, 25, 27, and 28 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Welch et al.* (U.S. Patent No. 4,206,831). The Examiner in the November 24, 2009, Non-Final Office Action, states that:

Regarding claims 1 and 14, Welch teaches an acoustic waveguide (horn, 26), comprising: a first control curve; a second control curve; a third control curve; a fourth control curve (figs. 2-3, wherein horn 26 is a round cross-section); and a continuous three-dimensional surface coincident with the first control curve, the second control curve, the third control curve and the fourth control

curve that intersect a circular throat end (near 20) and a non-elliptical closed control surface that defines a mouth (near numeral 38).

Applicant respectfully submits that, like *Roozen*, *Welch* fails to teach a waveguide having one of control curve differing from at least one of the other control curves. Applicant respectfully submits that *Welch* does not disclose or teach the claimed invention as specified in claim 1, 7, 12, 13 and 14 of any claim depending therefrom. Accordingly, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 1, 3-7, 12, 14-16, 18, 19, 21, 24, 25, 27, and 28.

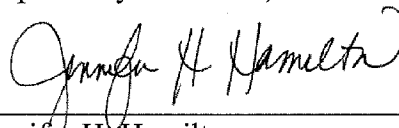
Additionally, Applicant does not otherwise concede the correctness of the Office action rejections with respect to any of the dependent claims referred to above and Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences discussed above with respect to the independent claims.

CONCLUSION

In light of the above Amendments and Remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited. However, if the Examiner believes that the preceding Remarks do not justify allowance of the application, Applicant respectfully requests an advisory action.

The Commissioner is authorized to charge any additional fees that may be required, or credit any overpayment, to our deposit Account No. 50-2542. A copy of this sheet is enclosed.

Respectfully submitted,



Dated: 11/29/10

Jennifer H. Hamilton
The Eclipse Group LLP
10605 Balboa Blvd., Suite 300
Granada Hills, CA 91344
(818) 488-8141 Telephone
(818) 332-4205 Fax
jhh@eclipsegrp.com

Customer No.: **34408**